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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,988	01/20/2006	Frank Hofmann	HOFMANN-5	9572
20151 7590 11/30/2009 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER				
SINGH, SUNIL				
ART UNIT		PAPER NUMBER		
3672				
NOTIFICATION DATE		DELIVERY MODE		
11/30/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@FEIEREISENLLC.COM

### Office Action Summary

**Application No.**

10/540,988

**Applicant(s)**

HOFMANN, FRANK

**Examiner**

Sunil Singh

**Art Unit**

3672

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11, 16 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11, 16 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-11,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. '256 in view of Lee '902 and EP document '756.

Hahn et al. discloses first and second sewer pipes (2), each including partial pipe shells (see Figs. 1-5, 7-8, 12-17), first connecting means connecting the partial pipe shells firmly to one another (see col. 3 lines 5-10, 55-65, col. 7 lines 55-65, see Figs. 1-5, 7-8, 12-17). Latch/recess (see Figs. 1-5, 7-8, 12-17, in particular Fig. 14). Seal between partial pipe shells (see col. 3 lines 5-10, 55-65, col. 7 lines 55-65). Plastic (see col. 7 lines 55-65). Hahn et al. discloses the invention substantially as claimed. However, Hahn et al. is silent about including connecting means for transmitting a tensile force when the sewer pipes are attached longitudinally to one another and drawn horizontally into the ground by a device and a seal arranged between the first and second sewer pipes. Further, Hahn et al. is silent about the pipe shells being connected via a hinge. Lee teaches connecting means (see Figs. 1,2) for transmitting a tensile force when the sewer pipes are attached longitudinally to one another and a seal (51) arranged between the first and second sewer pipes. EP document '756 teaches a pipe comprising partial pipe shells being connected via a hinge (see Fig. 1). It would have

been considered obvious to one of ordinary skill in the art to modify Hahn et al. to include the "second" connecting means and seal as taught by Lee in order to reduce leakage between the first and second pipes. Further, it would have been considered obvious to modify Hahn et al. to include the hinge on his pipe sections as taught by EP document '756 in order to keep the pipe sections from separating and getting misplaced.

With regards to claim 11, it would have been considered obvious to modify Hahn et al. by reinforcing the plastic pipe via glass fibers in order to provide a pipe that would not buckle easily.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP document '583 in view of Lee and Hahn et al and EP document '756

EP document '583 discloses a method for laying a sewer pipe (22,24) comprising the steps of connecting an end of a first sewer (24) to a boring device (21,22,20) and/or second sewer pipe and drawing the sewer pipe into the ground by means of the boring device (see Figs. 5, 6,7,10,11). EP document '583 discloses the invention substantially as claimed. However, EP document '583 lacks a connection means between the first sewer and the boring device and/or the second sewer pipe that enable a transmission of tensile forces and a seal between first and second sewer pipes. Further, EP document lack sewer pipe assembled from partial pipe shells. Further, EP document '583 is silent about the pipe being formed as partial pipe shells which are connected together via a hinge. Lee teaches connecting means (see Figs. 1,2) between sewer pipes and/or a

device for transmitting a tensile force when connected and a seal (51) arranged between the first and second sewer pipes. Hahn et al. teaches partial pipe shells (see Figs. 1-5, 7-8, 12-17). EP document '756 teaches a pipe comprising partial pipe shells being connected via a hinge (see Fig. 1) It would have been considered obvious to one of ordinary skill in the art to modify EP document to include the connecting means and seal as taught by Lee in order to reduce leakage between the connected sections. Further, it would have been considered obvious to one of ordinary skill in the art to modify EP document to assemble the sewer pipe via partial pipe shells as taught by Hahn et al. in order to have to avoid interrupting the supply lines. Further, it would have been considered obvious to modify EP document '583 to include the hinge on the pipe sections as taught by EP document '756 in order to keep the pipe sections from separating and getting misplaced.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/  
Primary Examiner, Art Unit 3672

Sunil Singh  
Primary Examiner  
Art Unit 3672

SS

11/21/09